

Appln. No.: 10/563,659
Amendment Dated: February 11, 2011
Reply to Office Action of December 22, 2010

BPD-102US

Remarks/Arguments:

Claims 1, 3-9 and 20-27 are pending. Claims 1, 3-9 and 26-27 stand rejected. Applicants acknowledge with appreciation the indication that claims 20-25 were allowed.

The Office Action sets forth at page 3, paragraph 4 "Claims 1, 3-9 and 26-27 are provisionally rejected on the grounds of nonstatutory double patenting over claims 1-3, 7, 11-12 and 14-15 of copending Application No. 10/563,681." Applicants note that the referenced application issued at U.S. Patent 7,745,228. Therefore, Applicants hereby submit a Terminal Disclaimer referring to U.S. Patent 7,745,228 and thus obviating this rejection. Accordingly, Applicants respectfully request that the rejection of claims 1, 3-9 and 26-27 on the grounds of nonstatutory obviousness-type double patenting be withdrawn and the claims allowed.

In view of the remarks set forth above, Applicants submit that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia



Jacques L. Etkowicz, Reg. No. 41,738
Attorney for Applicants

JLE/kpc

Attachment: Terminal Disclaimer

Date: February 11, 2011

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.